

**TOWN OF TIVERTON PLANNING BOARD
PRELIMINARY PLAN APPLICATION
LAND DEVELOPMENT AND SUBDIVISION REGULATIONS**

**In re: Twin River-Tiverton, LLC Gambling Facility to be located at the
Intersection of William S. Canning Boulevard and Stafford Road**

**Applicant's Memorandum in Support
of Preliminary Plan Application**

I. Required Findings

Pursuant to R.I. Gen. Laws §45-23-60 and Article IX, §23-45 of the Tiverton Land Development and Subdivision Regulations ("Land Development Regulations"), the required findings are as follows:

- a. The proposed development is consistent with the Tiverton Comprehensive Plan and/or has satisfactorily addressed the issues where there may be inconsistencies;
- b. The proposed development is in compliance with the standards and provisions of the Tiverton Zoning Ordinance;
- c. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval; and
- d. The proposed development has adequate and permanent physical access to a public street.

II. Consistency with the Comprehensive Plan and Zoning Ordinance has been Established by the Constitutional Referenda Process

R.I. Gen. Laws §41-9-1(b) defines the term "gambling facility" to include the following:

any building, enclosure or other improvement designed, constructed, or used **in connection with an overall plan or project involving the establishment of any gambling activity.**

(Emphasis supplied)

Therewith, the Rhode Island General Assembly has provided a procedure, as set forth in R.I. Gen. Laws §41-9-4, for the establishment of a gambling facility in any town or city.

The process provides that a town council must pass a resolution to request a referendum to establish a gambling facility. Thereafter, the General Assembly must pass an act establishing a referenda process as part of a local and statewide election.

The “overall plan” for a “gambling facility” was defined by Twin River-Tiverton, LLC (“Twin River-Tiverton”) based upon extensive input from the members of the public and as set forth in the definitive casino proposal submitted on November 9, 2015 to the Tiverton Town Council. The proposed parameters of the “Tiverton Casino Program” was posted on the Town of Tiverton’s website, pre-referenda, for review by qualified voters.

Further, Twin River-Tiverton previously submitted a proposed Zoning Ordinance Amendment to the Tiverton Town Council for review in accordance with Appendix A, Article XIX of the Tiverton Code of Ordinances. Therein, Twin River-Tiverton further defines the proposed gambling facility to be developed pursuant to the Tiverton Casino Program.

In accord with the above-process, R.I. Gen. Laws §42-61.2-2.3 was enacted which authorized a gambling facility to be located in the Town of Tiverton at the intersection of William S. Canning Boulevard and Stafford Road, subject only to the requirements of Rhode Island Const., Art. VI, Sec. XXII.

On November 8, 2016, the voters in the Town of Tiverton and the State of Rhode Island approved and authorized, via affirmative referenda vote, a casino gaming facility, as defined herein, to be located in the Town of Tiverton at the intersection of William S. Canning Boulevard and Stafford Road to be licensed as a pari-mutuel facility and offer State-operated video lottery games and State-operated casino gaming, such as table games. In turn, pursuant to the affirmative referenda vote and in accord with Rhode Island law, such a use is allowed.

Thus, the Twin River-Tiverton gambling facility, as proposed, becomes a “State goal” under the Rhode Island Comprehensive Planning and Land Use Act, R.I. Gen. Laws §45-22.2-1 *et seq.* Accordingly, such a development is consistent with the Comprehensive Plan as a matter of law.

In turn, the project is consistent with the Zoning Ordinance. In short, the State goal prevails over any perceived inconsistency therein. *See Town of East Greenwich v. Narragansett Electric Co.*, 651 A.2d 725 (R.I. 1994).

Moreover, notwithstanding consistency as a matter of law, Twin River-Tiverton previously submitted a proposed amendment to the Tiverton Zoning Ordinance and language to be included in the 2016 Tiverton Comprehensive Plan to reflect the proposed Tiverton Casino facility. On or about February 7, 2017, the Planning Board provided an affirmative advisory opinion with regard to the Zoning Ordinance amendment and proposed Comprehensive Plan language. Further, during the Master Plan review stage, the Planning Board determined that the Zoning Ordinance amendment and Comprehensive Plan language previously submitted on behalf of Twin River-Tiverton would support the Master Plan Application.

Notwithstanding, Twin River-Tiverton engaged an expert planning consultant, Mr. Pimentel, who testified at the Master Plan level that the project is consistent with the 2009 Comprehensive Plan and the existing Zoning Ordinance for all uses but for casino gaming. Obviously, casino gaming can only be allowed under Rhode Island law in the aftermath of a successful referendum election.

III. The Required Finding of Adequate and Permanent Physical Access to a Public Street is not an Issue

As demonstrated on the plans included within the Preliminary Plan Application and as determined by the Planning Board at the Master Plan review stage, the Tiverton Casino has access to the site along William S. Canning Boulevard and Stafford Road. Therewith, main access to the Tiverton Casino Site will be provided pursuant to a Roundabout to be constructed at the intersection of William S. Canning Boulevard, Stafford Road, Hurst Lane, and the Tiverton Casino Site driveway. This issue has been addressed by an act of the Rhode Island General Assembly. *See* R.I. Gen. Laws §42-61.2-2.3.

In addition, emergency ingress and egress will be provided along an easement to Stafford Road and located in the southern portion of the Tiverton Casino Site.

As set forth below, the Town of Tiverton has now entered into a contract with the Rhode Island Department of Transportation (“RIDOT”) for the construction of the Roundabout which dictates the positive finding on this element.

IV. The Gambling Facility as Proposed and Designed by the Applicant will not have Significant Negative Environmental Impacts

Twin River-Tiverton has undergone a thorough assessment of each of the areas of review outlined within §23-53 of the Tiverton Land Development Regulations. Accordingly, review of the analysis as set forth below demonstrates the Tiverton Casino Gaming Facility will not have a significant negative impact on the existing environmental conditions.

First of all, the Rhode Island State Guide Plan has established policies which define significant adverse impact on material resources. *See* RI State Guide Plan Element 121, Report No. 109, pg. 5-15. In situations where a development can avail itself to existing water and wastewater infrastructure there is no significant negative environmental impact.

In this instance, the development is required to avail itself to such infrastructure.

Furthermore, the remaining provisions of Section 23-53 of the Land Development Regulations have been addressed herein.

In addition, on or about January 17, 2017, Twin River-Tiverton representatives attended a Pre-Application/Informal Concept Review meeting with the Tiverton Planning Board. During this meeting, the Planning Board scoped certain issues to be addressed, in accordance with §23-13 of the Land Development Regulations. In turn, the applicable issues as set forth by the Planning Board are addressed by Twin River-Tiverton throughout the Preliminary Plan Application and herein.

a. Soils

Based upon Natural Resources Conservation Service (NRCS) Web Soil Survey mapping, soils within the development areas of the Tiverton Casino Site include as follows:

Soil Type	Abbreviation	Hydrologic Soil Group
Canton and Charlton fine sandy loam	CeC	B
Pittstown silt loam	PmA	C
Urban Land Complex (Udorthents)	Ur	A

A copy of the soil survey demonstrating the soil groups within the Tiverton Casino site was previously submitted to the Planning Board with the Master Plan Application.

b. Agricultural Lands

No agricultural lands exist within the development site.

c. Wetlands

State-regulated wetlands occupy roughly 40% of the Tiverton Casino Site. Pursuant to a Request to Verify Wetland Edges submitted to the Rhode Island Department of Environmental Management on or about March 17, 2016, the locations of the wetlands on the Tiverton Casino Site have been flagged and verified.

All wetlands and streams on-site are tributary to Sucker Brook. According to the report titled, “State of Rhode Island 2014 303(d) List of Impaired Waters,” published by the RIDEM Office of Water Resources, “Sucker Brook & Tributaries” (ID Number RI0007037R-01) is not listed as an impaired water.

The design of the Tiverton Casino Site includes structured parking, retaining walls, a bridge, and other site design features to ensure that the soils and substrate of identified swamps will not be disturbed and only minor encroachments into the fifty (50) foot perimeter wetlands are required to meet the programmatic needs of the project.

Finally, the program requirements established pursuant to community input require that existing wetlands be maintained as “buffer”.

In turn, at the preconceptual meeting on January 17, 2017, the Planning Board asked for a status with regard to RIDEM review of the project. In May of 2016, a request for preliminary determination was filed, pre-referendum by Twin River-Tiverton. It was important for Twin River-Tiverton to commit the resources to

take this step even before the constitutional exercise of the voters, because of the importance of wetlands to the community. Pursuant to that process, RIDEM provided very valuable comments which has led to additional investment for the proposed construction of a parking structure and to bridge any wetlands in constructing emergency ingress/egress.

Therewith, post-referendum Twin River-Tiverton filed for preliminary determination with RIDEM, which would allow limited access to the site for preliminary clearing and grubbing of certain footprints for eventual construction which will be coordinated with the Town. In turn, RIDEM approved the application for preliminary clearing and grubbing and such work has begun on site.

Moreover, Twin River-Tiverton is now in the process of filing a more extensive permit request with RIDEM and has requested that RIDEM consider phasing that would allow the construction of certain foundations prior to final permits being issued.

d. Coastal Features

The Tiverton Casino Site is located outside the jurisdiction area of the Rhode Island Coastal Resources Management Council.

e. Topography

Existing topography of the Tiverton Casino Site is demonstrated on the plans attached to the Preliminary Plan Application, including the Existing Conditions Plan.

f. Ecology

The Tiverton Casino Site will include development of wetlands overlooks, consisting of gravel/crushed stone footpaths following the natural topography at the edge of the wetland area. Further, the wetlands overlooks will include interpretive signage describing the existing eco-system, flora, and wildlife.

In turn, the proposed designs for the wetlands overlooks will be submitted to RIDEM for review subsequent to construction of the Casino Facility.

g. Existing Vegetation, Structures, and Road Networks

Twin River-Tiverton engaged a consultant to conduct a four-season wildlife study with regard to the Tiverton Casino site. Pursuant to said study, the plant species of all existing vegetation on the property were identified, as further discussed within the wildlife study previously submitted to the Planning Board within the Master Plan Application.

Moreover, Twin River-Tiverton is in the process of compiling a wildlife protection and management proposal with regard to the construction of the Tiverton Casino. In turn, the proposal will be submitted to RIDEM for review and approval, and the Planning Board for review, during the Preliminary Plan review stage.

The Tiverton Casino Site is currently undeveloped, without any existing structures or improvements. Further, access to the property is provided at the intersection of William S. Canning Boulevard, Hurst Lane, and Stafford Road, where a Roundabout will be constructed and connected with the proposed Tiverton Casino Gaming Facility driveway.

h. Visual Features

The Tiverton Casino Site has been designed based upon public input received during the charrettes and public meetings held within the Town of Tiverton. In turn, the architectural style of the improvements are inspired by the local historical shoreline context and recent buildings built in the area, with the improvements on the Tiverton Casino Site harmonious with one another and those within the Town of Tiverton.

Moreover, pursuant to the comments received from the Planning Board during the Master Plan Application review stage, certain visual aspects have been incorporated within the parking structure and along the roadways within the casino site. These visual features include incorporation of relocated stonewalls within the landscaping design, additional landscaping within the parking structure area, and further variation with the parking structure walls and surrounding area.

Therewith, a vegetative buffer will be maintained between the casino and hotel improvements and the fronting streets, such that the buildings will not be visible from any of the surrounding roadways.

i. Past and Present Use of the Site

The Tiverton Casino Site is currently undeveloped land principally zoned as Highway Commercial pursuant to the Tiverton Zoning Ordinance.

j. Historical and Archeological Burial Sites

There is no existing data or evidence of any historical or archeological burial sites.

k. Natural Resources of the Site

Preservation of existing woods, meadows, wetlands, streams, and other natural resources is a critical component of the Tiverton Casino project design. Further, Twin River-Tiverton has conducted a four-season wildlife study on the Tiverton

Casino Site and intends to provide opportunities for patrons to enjoy the extensive on-site natural environment.

l. Habitats of Endangered Wildlife

Twin River-Tiverton engaged a consultant to conduct a four-season wildlife study with regard to the Tiverton Casino site. The wildlife study includes an analysis of all non-fragmented wildlife habitat surrounding the Tiverton Casino Site and observational surveys within the actual property designated for the development.

In general, the wildlife survey determines the potential impacts of the Tiverton Casino Gaming Facility on wildlife populations and provides mitigation measures to be incorporated into the development project. A copy of the complete wildlife study was previously submitted to the Planning Board with the Master Plan Application.

Moreover, Twin River-Tiverton is in the process of compiling a wildlife protection and management proposal with regard to the construction of the Tiverton Casino. In turn, the proposal will be submitted to RIDEM for review and approval, and the Planning Board for review, during the Preliminary Plan review stage.

m. Lands Within 100-year Flood Zone, or Wave Velocity Zone

The Tiverton Casino Site is entirely located within Flood Zone X (Areas determined to be outside the 0.2% annual chance floodplain), based on FEMA Flood Insurance Map 44005C0041H, dated 4/5/2010, and FEMA Flood Insurance Map 44005C0042H, dated 10/19/2010, for Newport County, Rhode Island. Further, according to FEMA Map 44005CIND0B, the two panels encompassing are not printed by FEMA due to no special flood hazard areas being present within those panel areas.

n. Steep Slopes in Excess of 21%

As required in the Town of Tiverton's Design Requirements and Public Improvement Standards, steep slopes in excess of 21% have been determined on the Tiverton Casino Site. All proposed earthwork and grading will be designed with appropriate engineering measures that slope stability, erosion, and resident safety are maintained at all times. A map depicting all steep slopes in excess of 21% was previously submitted to the Planning Board with the Master Plan Application and is demonstrated on the plans submitted with the Preliminary Plan Application.

o. Groundwater and Aquifer Recharge

Groundwater on the Tiverton Casino Site will be dealt with in accordance with the Massachusetts or Rhode Island regulations with regard to groundwater, with the more stringent regulations applying.

p. Reducing Cut and Fill

In accordance with the Tiverton Casino Program, the Tiverton Casino Site shall include parking, both surface and structured, to accommodate 1,200 parking spaces for patrons and employees of the Tiverton Casino.

The inclusion of a two-level parking structure was intended not only to reduce impacts on wetlands, but also to reduce cut and fill on the Tiverton Casino Site.

q. Avoiding Unnecessary Impervious Cover

As further discussed herein, a parking structure will be included on the Tiverton Casino Site pursuant to workshops conducted with Twin River-Tiverton and RIDEM. The two-level parking structure shall reduce unnecessary impervious surface on the Tiverton Casino Site.

r. Preventing Flooding

Once the stormwater on the Tiverton Casino Site has been treated, long-term stormwater management measures must be employed at the site to prevent larger storm events from causing flood damage and downstream impacts. The potential for downstream impacts is mitigated by storing and releasing stormwater runoff in a gradual manner that ensures pre-development peak discharges are not exceeded. Measures to provide downstream overbank flood protection may include any or all of the following: surface detention, infiltration, subsurface detention and/or infiltration trenches or chambers.

Per the “Rhode Island Stormwater Design and Installation Standards Manual,” these measures will be utilized to attenuate the post-development peak discharge rate to pre-development levels for the 10-year and 100-year, 24-hour Type III design storm events.

s. Providing Adequate Access to Site

In accord with R.I. Gen. Laws §42-61.2-2.3, access to the Tiverton Casino Site will be provided by a main ingress and egress pursuant to the Roundabout to be constructed at the intersection of William S. Canning Boulevard, Stafford Road, Hurst Lane, and the Tiverton Casino Site driveway. Twin River-Tiverton is working with the Rhode Island Department of Transportation in regard to design and construction of the Roundabout.

In addition, emergency ingress and egress will be provided along an easement from Stafford Road and along the southern portion of the Tiverton Casino Site. Prior to finalizing the conceptual site plan for discussion with the Planning Board, the project team met with Public Safety Officials to discuss fire safety concerns, including fire lanes, hydrant spacing, and emergency access. Per these discussions, the project includes an emergency access drive from the employee parking area (east of the casino building) to Stafford Road. This 20-foot wide

emergency access drive will be constructed using Gravelpave® or equivalent material that supports emergency services vehicles while maintaining the rural characteristic of a gravel driveway. At each end of this emergency access drive, a gate (type to be determined by the fire department in concert with Twin River-Tiverton's safety and security team) and signage will be provided to indicate that the driveway is intended for emergency use only and not intended for guest or employee access.

t. Mitigating Adverse Effects on Neighboring Properties

i. Traffic

Twin River-Tiverton previously engaged a traffic consultant to compile a Traffic Impact Analysis to evaluate the impacts on roadways and intersections surrounding the Tiverton Casino Site in Tiverton, Rhode Island. The Traffic Impact Analysis reviews existing conditions, traffic forecasts, capacity analysis, and safety analysis, ultimately determining that the installation of the Roundabout at the intersection of William S. Canning Boulevard, Stafford Road, Hurst Lane, and the Tiverton Gaming Facility driveway will increase safety in the area and allow surrounding roadways to operate at excellent and/or acceptable levels of service.

As a result thereof, the Rhode Island General Assembly is requiring the construction of the Roundabout before the casino becomes operational. *See* R.I. Gen. Laws §42-61.2-2.3. Furthermore, the Rhode Island General Assembly has provided that the Roundabout must be funded and constructed by July of 2018.

Further, during the Pre-Application meeting, the Planning Board raised the idea of developing a separate roadway to the Tiverton Casino Site on William S. Canning Boulevard, prior to the Roundabout. However, as the Traffic Impact Analysis and draft design plans attached thereto demonstrate, the Roundabout provides an exclusive turn lane to provide access to the site directly from William S. Canning Boulevard.

In addition, the Planning Board also commented with regard to consideration by Twin River-Tiverton of the traffic impact in Massachusetts. In compiling the Traffic Impact Analysis, traffic data from Fall River, Massachusetts, included therein, was evaluated and considered by the engineers when designing the Roundabout.

On or about February 27, 2017, the Tiverton Town Council reviewed and approved the Roadway Improvement Agreement and Sub-Recipient Agreement between RIDOT, Twin River-Tiverton, and the Town of Tiverton regarding the Stafford Road roundabout and improvements. At the time, the design of the Roundabout was at 30% design completion. Therewith, the 30% design was previously provided to the Town's engineer, Steere Engineering, for review and comment. Twin River-

Tiverton has continued to work with RIDOT to further the Roundabout design.

Moreover, during the Master Plan review stage, the Planning Board commented with regard to the impact of the Tiverton Casino on truck traffic. In turn, the traffic engineer will be prepared to discuss this information with the Planning Board during the Preliminary Plan review procedure.

In addition, during the Master Plan review, the Planning Board discussed a traffic plan for the Roundabout area during construction of the Tiverton Casino. At this time, clearing and grubbing work has begun at the Tiverton Casino site. Therewith, a traffic control plan has been reviewed and approved by RIDOT, and provided to the Town of Tiverton, with regard to traffic control procedures to be implemented during the clearing and grubbing phase.

In turn, as a result of issues that arose at the beginning of the clearing and grubbing work, the construction traffic plan has been expanded to include police details. In addition, Twin River Tiverton has secured an alternate construction point of access off of Acquidneck Drive. The construction of that point of access has been favorably commented on by the Rhode Island Department of Environmental Management, Tiverton Department of Public Works and the Town's engineer.

ii. Drainage

1. During Construction of the Tiverton Casino

A permit from the Rhode Island Department of Environmental Management (RIDEM) RIPDES program is required for this project, which addresses soil erosion and sedimentation control measures during construction as well as long-term operation and maintenance requirements. The Rhode Island Pollution Discharge Elimination System (RIPDES) program is defined by the State as the "backbone of the state's water pollution control strategy." As part of Twin River-Tiverton's application to RIDEM, a complete Soil Erosion and Sediment Control Plan (SESC Plan) will be completed in accordance with the "Rhode Island Soil Erosion and Sediment Control Handbook," and provided to the Town with the Preliminary Plan Application.

The SESC plan ensures that construction activities include sedimentation and erosion control measures to protect adjacent properties and downgradient areas. At a minimum, these measures will include a stone construction entrance/exit or track pad to prevent migration of sediment onto local roadways, straw wattles and/or silt fence along the limits of disturbance/downgradient slopes, fabric socks in nearby existing catch basins and all newly installed catch basins, and sedimentation basins to

trap fine particles and prevent migration of these materials to downgradient areas, including wetlands and adjacent properties until the site is properly stabilized. Dust control measures and temporary seeding of stockpiles will also be employed, when necessary, based on construction timing and field conditions.

Further, a SESC plan solely with regard to clearing and grubbing was previously submitted to the Planning Board for comment. Moreover, Tiverton DPW and Streere Engineering, as the DPW Director's designee, reviewed and provided comments to the SESC plan. In turn, the SESC plan was subsequently approved subject to the requested revisions and has been implemented during the clearing and grubbing work conducted on the Tiverton casino site.

2. During Operation of the Tiverton Casino

The proposed stormwater management system for the Twin River-Tiverton project will be designed in accordance with both the "Rhode Island Stormwater Design and Installation Standards Manual" and the "Massachusetts Stormwater Handbook." To the greatest extent practicable, this system will incorporate innovative site planning and design techniques for minimizing the generation of runoff via low impact development (LID) methods. The stormwater system will include pre-treatment and treatment of stormwater runoff to address water quality and mitigation of stormwater runoff to address water quantity (peak runoff). Based on the known soil characteristics of the site, suitable pre-treatment mechanisms may include any or all of the following: grass channels, filter strips, sediment forebays, deep-sump catch basins, and proprietary devices, such as Stormceptor® chambers. These pre-treatment devices trap coarse elements in the stormwater runoff before they enter the remainder of the stormwater system, thereby reducing the maintenance burden and ensuring long-term function of the entire system.

Suitable low-impact water quality treatment practices may include any or all of the following: open channels, infiltration (surface infiltration basins, subsurface infiltration trenches, and/or porous pavement), and filtering practices (sand filters, bio-retention basins, rain gardens, bio-retention swales, and/or tree filters.) These devices provide the required water quality treatment through filtering, groundwater recharge, and infiltration through design elements that provide the maximum pollutant removal.

Porous pavement will be incorporated into the site design through the use of reinforced gravel and/or reinforced turf for the emergency access drive. These surfacing techniques incorporate permeable materials (grass or gravel), which are reinforced through underground plastic grids to support wheel loads. These systems allow for emergency vehicle access, while maintaining stormwater infiltration and groundwater recharge.



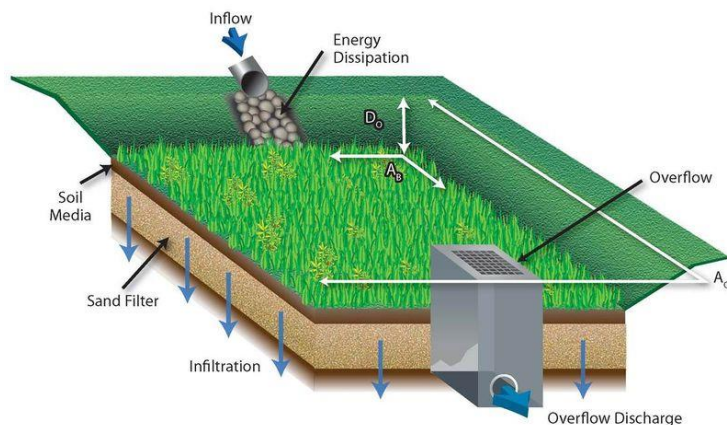
Reinforced Gravel & Reinforced Turf

Bioretention basins, rain gardens, and sand filters will be utilized throughout the site to the maximum extent practicable to filter stormwater runoff and recharge groundwater levels. These practices consist of small-scale stormwater systems that capture runoff filter through vegetation and biologic / sand medias to promote pollutant removal.



Bioretention Basins / Rain Gardens

Infiltration/detention basins will be designed to capture stormwater, manage peak rates of runoff, and recharge groundwater levels where possible. These basins operate by storing stormwater and releasing over an extended period of time, and/or infiltrating to promote groundwater recharge.



Infiltration Basin

Once the stormwater has been treated, long-term stormwater management measures must be employed at the site to prevent larger storm events from causing flood damage and downstream impacts. The potential for downstream impacts is mitigated by storing and releasing stormwater runoff in a gradual manner that ensures pre-development peak discharges are not exceeded. Measures to provide downstream overbank flood protection may include any or all of the following: surface detention, infiltration, subsurface detention and/or infiltration trenches or chambers. Per the “Rhode Island Stormwater Design and Installation Standards Manual,” these measures will be utilized to attenuate the post-development peak discharge rate to pre-development levels for the 10-year and 100-year, 24-hour Type III design storm events.

Further, Twin River-Tiverton has submitted a drainage plan and drainage calculations with the Preliminary Application.

iii. Utilities

Underground electric service from National Grid and communications service will extend from the intersection of William S. Canning Blvd and Stafford Road.

A 12-inch water main on Stafford Road is available to supply water to the Site. Coordination with the North Tiverton Fire District has continued and testing to assess supply and pressure is underway to supply domestic water and fire suppression service. Twin River-Tiverton is committed to installing a water tank with sufficient capacity to store the projected domestic and fire suppression needs of the project will be incorporated into the design of the site. The water tank will be sized to refill on a daily basis during off-peak hours or overnight.

Wastewater will be conveyed to and treated at the Fall River Wastewater Treatment Plant. The Tiverton Wastewater District (TWWD) maintains a pump station at the easterly terminus of Hurst Lane, approximately 3,200 feet (0.6 miles) from the intersection of Hurst Lane and Stafford Road. To manage wastewater from the casino and hotel project, an on-site pump station and force main will be installed to direct wastewater down Hurst Lane to the TWWD Hurst Lane pump station. In addition to the on-site pump station, Twin River-Tiverton is amenable to installing a sewer manhole at the intersection of Stafford Road and Hurst Lane (likely coordinated with the construction of the proposed RIDOT Roundabout in this location) and a gravity sewer line down Hurst Lane to the TWWD pump station. As part of this work, Twin River-Tiverton will incur the cost of providing service laterals to each of the existing developed properties along Hurst Lane. This solution addresses the needs to service the project while also addressing the Town’s goal to provide municipal sewers to as

many properties as possible.

Furthermore, Twin River-Tiverton has given thorough consideration of all design standards as set forth within the Tiverton Land Development Regulations, as further discussed herein.

Pursuant to Article XX, Section 3(c) of the Tiverton Code of Ordinances, a major land development project shall undergo review by the Town of Tiverton in accordance with the Tiverton Land Development Regulations. Therewith, only land development projects including new construction or redevelopment of an elderly housing facility, a manufactured home elderly community, an age restricted mixed use community development, or a multi-family structure shall be considered a land development project and be reviewed concurrently under both Article XX and the Tiverton Land Development Regulations. Accordingly, the review requirements set forth in Article XX of the Tiverton Code of Ordinances are not applicable to the Tiverton Casino Gaming Facility project.

Notwithstanding, the areas of review set forth therein have been evaluated by Twin River-Tiverton and are addressed in the Preliminary Plan Application and proposed Zoning Ordinance Amendment submitted to the Town of Tiverton.

u. Visual Screening of Mechanical Equipment and Areas Designated for Refuse, Service, and Storage

Loading, service, utility, trash facilities and mechanical equipment will be located in areas designated for truck traffic only on the sides of the Tiverton Casino building not visible to patrons entering the main entryway and screened from public view.

v. Exterior Lighting

Parking lot, vehicular and pedestrian circulation paths, and loading areas on the Tiverton Casino Site will have adequate lighting for public safety. Further, lighting on the property has been designed to minimize light spill or trespass light, as well as to add interest and variety to the Tiverton Casino Site.

Twin River has years of experience with maintaining a large scale, efficient, and responsible lighting plan at the Twin River Casino located in Lincoln, Rhode Island. In turn, the Tiverton Casino will also utilize LED fixtures rather than neon lighting. In addition, the exterior lighting fixtures will consist of styles that minimize spill light and are night sky compliant, to avoid any potential disturbance to surrounding areas. Further, Twin River-Tiverton will utilize lighting that is energy efficient and consists of sleek, compact styles that blend seamlessly with the existing environment.

Therewith, a lighting plan further discussing the details of exterior lighting on the Tiverton Casino site has been submitted with the Preliminary Plan Application.

w. Parking and Loading Docks

In accordance with the Tiverton Casino Program, the Tiverton Casino Site shall have parking, including both surface and structured, designed to limit the area of impervious surface, promote public safety, allow for adequate drainage, and maintain existing vegetative buffers on the property. Further, the Tiverton Casino Site shall maintain at least two (2) loading docks with regard to the casino and hotel improvements. The location of the loading docks have been indicated on the site plans submitted with the Preliminary Plan Application.

x. Reasonable Landscaping at Site Entrances, Public Areas, Parking Lots, and Adjacent to Buildings

The design intention for the Tiverton Casino Site is to maintain the wooded buffer around the property and supplement with native plants along wetland areas of the site. Further, hardscape/landscape features shall be installed within the project development areas.

In addition, entry signage to the Tiverton Casino Site shall be a low profile design as determined by public input during the charrettes and public meetings. A complete signage plan has been submitted for review with the Preliminary Plan Application.

During the Pre-Application meeting with the Planning Board, certain members suggested incorporation of additional landscaping within the Tiverton Casino Site. Moreover, during the Master Plan Application public hearing, several additional comments were made with regard to incorporation of stonewalls, additional vegetation within the parking structure, and greater variations with visual features.

In turn, Twin River-Tiverton has been working with a landscaping consultant to formulate a landscaping plan that incorporates the comments provided by the Planning Board members. A copy of the landscaping plan has been included within the Preliminary Plan Application.

y. Landscaping Materials Appropriate for Local Environment

A landscape plan stamped by a registered landscape architect, licensed in the State of Rhode Island, has been included within the Preliminary Plan Application. The plan includes the location of all landscaped areas with the proposed trees, shrubs, and other plant or ground covering material with information on the size, type, and spacing.

The landscape architect engaged by Twin River-Tiverton has worked to assemble the landscape plan that emphasizes the natural features on the project site, abutting properties, and meets Tiverton's planting requirements.

Moreover, a landscaping maintenance agreement shall be submitted to the Town to provide for the maintenance of plantings, utilizing acceptable horticultural practices and for replanting of new material where required plants have not survived.

z. Vegetated Buffer Areas

Existing vegetative buffers around the Tiverton Casino Site improvements will be maintained to ensure the casino and hotel structures are not visible from the surrounding roadways.

aa. Existing Stone Walls

During the Pre-Application meeting with the Tiverton Planning Board, comments were made with regard to the preservation and/or relocation of stonewalls on the Tiverton Casino site.

Rubble stone walls exist throughout the site. Where possible, these walls will be preserved and interpretative signage will be provided to describe their former use. Where development makes preservation of the walls in their existing locations impractical, the cobbles and stones will be stockpiled and protected during construction for relocation / reassembly onsite as landscape features throughout the finished casino site. As stated at the Master Plan level, Twin River-Tiverton's contract with the landscape consultant includes a scope of work which requires the preservation and the replication of existing stone walls.

The landscape plan documents and concepts will be submitted at preliminary plan to address these issues.

bb. Building Design Concepts

During the Pre-Application meeting, the Planning Board inquired as to how the hotel lobby would be visually incorporated within the casino building. In turn, color renderings depicting the proposed hotel lobby design have been included within the Preliminary Plan Application.

Members of the Planning Board also inquired as to the elevations of the improvements on the Tiverton Casino Site. Therefore, the elevations of the casino and hotel buildings are set forth on the plans previously included within the Master Plan Application and included within the attached Preliminary Plan Application. In addition, a set of updated color renderings are also included within the Preliminary Plan Application, illustrating the elevations of the various improvements and parking structure.

Finally, the Planning Board previously made inquiry as to the appearance of the parking structure with the casino entrance. Included in the Preliminary Plan Application are computer generated images of the parking structure and the entrance of the casino which demonstrates how the project is utilizing the existing topographical features of the site, so that the parking structure does not appear as a two-story parking structure. Rather, the top level of the parking structure is on the same grade as the entry to the casino which features the entrance to the casino and the casino structure.

Furthermore, the Planning Board had asked about different landscaping techniques to soften the upper deck of the parking structure. In turn, the landscaping plan incorporates additional vegetation within the parking area, greater variations in landscaping features, and incorporation of relocated stonewalls.

V. Impact Analysis

The potential impact of the Tiverton Casino Gaming Facility on the various existing resources within the Town of Tiverton is further discussed pursuant to the site analysis evaluation set forth above.

Further, during the Pre-Application meeting, the Planning Board Chairman raised the issue of low impact development standards. Twin River-Tiverton has committed to utilize low impact development techniques and mimic natural existing conditions on the site. In turn, Twin River-Tiverton shall encourage infiltration and groundwater recharge, low impact development techniques, and small scale stormwater management practices. Therewith, the Tiverton Casino Site has certain natural constraints that will be considered, including areas of steep slopes, ledge, and boulders.

VI. Timeline

Article I, §23-4(a) of the Tiverton Land Development Regulations provides that said regulations are intended to provide “orderly, thorough and expeditious review and approval of land developments”.

Therewith, as set forth above, R.I. Gen. Laws §42-61.2-2.3(i) addresses the operational goal of July 1, 2018. In turn, in order for the Tiverton Casino to be operational by July, 2018, the land development review will need to proceed in a thorough, yet expeditious, manner as provided for by the Tiverton Land Development Regulations.

Twin River-Tiverton is proposing to work with the Town to establish such a thorough, yet efficient land development review in accord with the following proposal of timeline milestones:

1. Concept plan review designed for the Planning Board to consider design concepts and address constraints to development – January 17, 2017.
2. Master Plan submission: January 23, 2017.
3. Technical review of Master Plan by Town of Officials.
4. Advisory opinion on Zoning Ordinance and Comprehensive Plan language to acknowledge State goal: February 7, 2017.
5. Public informational hearing and request for approval of Master Plan: February 21, 2017.
6. Preliminary Plan submission: week of April 3, 2017 (pursuant to protocols established, the plan is being submitted for completeness review on March 28, 2017. Completeness comments will be incorporated and then a complete plan will be distributed to Planning Board members).

7. Technical Review of Preliminary Plan by Town Officials.
8. Public Hearing and request for approval of Preliminary Plan – projected date: Public Hearing to open May 2, 2017.
 - a. Preliminary Plan conditioned upon final State approvals.
 - b. Phased construction
 - i. Phase I: foundations
 - ii. Phase II: balance of construction, Roundabout and off-site sewer improvements
9. Final Plan approval – projected date: June, 2017.
10. Projected start date for Phase II Construction/Roundabout/off-site sewer improvements: June, 2017

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